STATE OF ARIZONA FILED

DEC 2 2 1998

STATE OF ARIZONA

DEPT.	OF	INSI	JHAN	CE
BY	B	B		

DEPARTMENT OF INSURANCE

In the Matter of the Withdrawal of:

COMMODORE NATIONAL LIFE
INSURANCE COMPANY (NAIC No. 62642),

Petitioner.

Petitioner.

On December 17, 1998, the Office of Administrative Hearings, through Administrative Law Judge Lewis D. Kowal, issued a Recommended Decision of Administrative Law Judge ("Recommended Decision"), a copy of which is attached and incorporated by this reference. The Director of the Department of Insurance has reviewed the Recommended Decision and enters the following Order:

- 1. The recommended Findings of Fact and Conclusions of Law are adopted.
- The Petitioner may file its Articles of Dissolution with the Arizona Corporation
 Commission.
- 3. The Petitioner is entitled to the release of its statutory deposit in the sum of \$100,000.00. The statutory deposit shall be released to the Petitioner after the Department has received the following: (a) payment of \$340.00 to the Department; (b) a copy of Petitioner's Articles of Dissolution certified as having been filed with the Arizona Corporation Commission; and (c) a fully executed Form E126 (Notice of Trust Deposit Release). The statutory deposit can be released until the Department receives a fully executed copy of the official State Treasurer Release Receipt Form E101.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
00

- 4. The sum of \$100.00 previously credited to the Insurance Examiners' Revolving Fund shall be refunded to the Petitioner, pursuant to A.R.S. § 20-159.
- 5. The Petitioner shall file its 1998 Annual Statement with the Department, together with all applicable fees, unless Petitioner files its Articles of Dissolution with the Arizona Corporation Commission on or before December 31, 1998.

NOTIFICATION OF RIGHTS

Pursuant to A.R.S. § 41-1092.09, the aggrieved party may request a rehearing with respect to this Order by filing a written motion with the Director of the Department of Insurance within 30 days of the date of this Order, setting forth the basis for relief under A.A.C. R20-6-114(B).

The final decision of the Director may be appealed to the Superior Court of Maricopa County for judicial review pursuant to A.R.S. §§ 12-904 and 20-166. A party filing an appeal must notify the Office of Administrative Hearings of the appeal within ten days after filing the complaint commencing the appeal, pursuant to A.R.S. § 12-904(B).

DATED this of December, 1998

Charles R. Cohen Director of Insurance

1	A copy of the foregoing mailed this 22 day of December, 1998
2	
3	Sara M. Begley, Deputy Director Mary Butterfield, Assistant Director Catherine O'Neil, Legal Affairs Officer
4	Gary Torticill, Assistant Director Deloris Williamson, Assistant Director
5	Scott Greenberg, Business Administrator Kurt Regner, Examiner
6	Department of Insurance 2910 N. 44th Street, Suite 210
7	Phoenix, AZ 85018
8	Office of Administrative Hearings 1700 W. Washington, Suite 602
9	Phoenix, AZ 85007
10	Philip T. Paris 2929 N. 44th Street, Suite 120
11	Phoenix, AZ 85018
12	
13	Betty Bryont
14	
15	
16	
17	
18	
19	
20	
21	
22	

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Withdrawal of:

No. 98A-194-INS

COMMODORE NATIONAL LIFE INSURANCE COMPANY (NAIC No. 62642),

RECOMMENDED DECISION OF ADMINISTRATIVE LAW JUDGE

Petitioner.

HEARING: December 15, 1998

APPEARANCES: Philip T. Paris, Esq. on behalf of Petitioner

ADMINISTRATIVE LAW JUDGE: Lewis D. Kowal

On December 15, 1998, a hearing took place to consider the application of (the "Petitioner"), to withdraw from the insurance business and for the release of its statutory deposit pursuant to A.R.S. §20-588 and A.A.C. R20-6-303.

Based upon the entire record in this matter, the following Findings of Fact, Conclusions of Law and Recommended Order are made:

FINDINGS OF FACT

- 1. The Petitioner has surrendered its certificate of authority to the Arizona Department of Insurance ("Department").
- 2. The Petitioner has filed with the Department certified copies of Resolutions of the Petitioner's Board of Directors and of the Petitioner's shareholder(s) authorizing Petitioner to withdraw from the insurance business by dissolution.
- 3. The Petitioner has no insurance obligations owing to it, whether by policies written direct or by reinsurance ceded to it.
- 4. The Petitioner has filed its certified financial statement as of September 30, 1998, with the Department.
 - 5. At least 10 business days before the hearing of this matter, Petitioner gave

Office of Administrative Hearings 1700 West Washington, Suite 602 Phoenix, Arizona 85007 (602) 542-9826

2

1

4 5

6 7

8

10

11

12 13

14

15

16 17

18

19 20

21 22

23

2425

2627

28

29

30

special notice to creditors and policyholders of the Petitioner, setting forth the date, place, nature and purpose of the hearing, as evidenced by an affidavit of publication. Petitioner also provided individual notice by mail to its known creditors, as evidenced by an affidavit.

- 6. The Petitioner has a \$100,000.00 statutory deposit with the Department and a \$100.00 deposit with the Insurance Examiners' Revolving Fund ("IERF").
- 7. Petitioner currently owes \$340.00 to the Department for the late filing of its Management Discussion and Analysis relating to its Annual Statement for the year ending 1997.
- 8. Petitioner waived the notice requirements set forth in A.R.S. §41-1092.05(D).

CONCLUSIONS OF LAW

The Petitioner has complied with the provisions of A.R.S. §20-588 and with A.A.C. R20-6-303, relating to the release of its \$100,000.00 statutory deposit.

RECOMMENDED ORDER

- 1. The Petitioner may file its Articles of Dissolution with the Arizona Corporation Commission.
- 2. The Petitioner is entitled to the release of its statutory deposit in the sum of \$100,000.00 and that the statutory deposit shall be released to the Petitioner after the Department has received the following: (a) payment of \$340.00 to the Department; (b) a copy of Petitioner's Articles of Dissolution certified as having been filed with the Arizona Corporation Commission; and (c) a fully executed Form E126 (Notice of Trust Deposit Release). The statutory deposit cannot be released until the Department receives a fully executed copy of the official State Treasurer Release Receipt Form E101.
- 3. The sum of \$100.00 previously credited to the IERF be refunded to the Petitioner, pursuant to A.R.S. §20-159.
- 4. The Petitioner shall file its 1998 Annual Statement with the Department, together with all applicable fees, unless Petitioner files its Article of Dissolution with the

Arizona Corporation Commission on or before December 31, 1998.

Done this day, December 17, 1998.

3 | 4 |

Lewis D. Kowal

Administrative Law Judge

Charles R. Cohen, Director, Department of Insurance 2910 North 44th Street, Ste. 210 Phoenix, AZ 85018

Attention: Curvey Burton

By Mris Chawford Thomison